



Australian Government

**Department of Infrastructure, Transport,
Regional Development and Communications**

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DECISION UNDER THE AIRPORTS (PROTECTION OF AIRSPACE) REGULATIONS 1996

Proposed Activity: Construction of buildings

Location: 58-76 Stanmore Road, Stanmore NSW

MGA 94 Coordinates: E 330646; N 6247539

Proponent: Planning Ingenuity Pty Ltd on behalf of The Cyprus Community of NSW Ltd

I refer to the application from Planning Ingenuity Pty Ltd on behalf of The Cyprus Community of NSW Ltd (the Proponent), received by the Department of Infrastructure, Transport, Regional Development and Communications (the Department) on 21 December 2020 from Sydney Airport Corporation Limited (SACL). This application (SACL Ref. 16/0323a) sought approval under the Airports (Protection of Airspace) Regulations 1996 (the Regulations) for the intrusion of buildings at 58-76 Stanmore Road, Stanmore NSW (the site) into airspace which, under the Regulations, is prescribed airspace for Sydney Airport.

Under regulation 6(1), ‘prescribed airspace’ includes ‘the airspace above any part of either an Obstacle Limitation Surface (OLS) or Procedures for Air Navigation Services - Aircraft Operations (PANS-OPS) surface for the airport’.

The Inner Horizontal Surface of the OLS above this site is at a height of 51 metres above the Australian Height Datum (AHD) and hence prescribed airspace above the site commences at 51 metres AHD. At a maximum height of 55.4 metres AHD, the building will penetrate the OLS by 4.4 metres.

Accordingly, the construction of the building constitutes a “controlled activity” under Section 182 of the *Airports Act 1996* (the Act). Section 183 of the Act specifies that controlled activities cannot be carried out without approval. Details of the penetration of prescribed airspace are provided in Table 1.

Table 1: Height and location of the proposed activity that will intrude into prescribed airspace for Sydney Airport.

Activity	MGA 94 Coordinates	Maximum height (AHD)	Penetration of prescribed airspace
Building	E 330646; N 6247539	55.4 metres	4.4 metres

Regulation 14 provides that a proposal to carry out a controlled activity must be approved unless carrying out the controlled activity would interfere with the safety, efficiency or regularity of existing or future air transport operations into or out of the airport concerned. Regulation 14(1)(b) provides that an approval may be granted subject to conditions.

Under the Regulations, the Secretary of the Department is empowered to make decisions in relation to the approval of controlled activities, and impose conditions on the approval. I am the Secretary's Delegate for the purposes of the Regulations.

Decision

In accordance with regulation 14, **I approve** the controlled activity for the intrusion of buildings at 58-76 Stanmore Road, Stanmore NSW into prescribed airspace for Sydney Airport to a **maximum height of 55.4 metres AHD**.

In making my decision, I have taken into consideration the opinions of the Proponent, the Civil Aviation Safety Authority, Airservices Australia's advice number SY-CA-318 P2 and SACL.

In accordance with regulation 14(1)(b), I impose the following conditions on my approval:

1. The building **must not exceed** a maximum height of **55.4 metres AHD**, this **includes all** lift over-runs, vents, chimneys, aerials, antennas, lightning rods, any roof top garden plantings, exhaust flues etc.
2. Separate approval **must be sought** under the Regulations for any equipment (i.e. cranes) required to construct the building. Construction cranes may be required to operate at a height significantly higher than that of the proposed controlled activity and consequently, may not be approved under the Regulations. Therefore, it is advisable that approval to operate construction equipment (i.e. cranes) be obtained prior to any commitment to construct.
 - It is noted that the Runway 34L Take Off Surface of the OLS above this site is at a height of 67.6 metres AHD. Cranes that infringe the approach or take off surfaces present an unacceptable risk to the safety of aircraft operations at Sydney airport.
3. The Proponent **must advise** Airservices Australia at least three business days prior to the controlled activity commencing by emailing <ifp@airservicesaustralia.com> and quoting SY-CA-318 P2.
4. The Proponent **must report** all permanent obstacles 100 metres or more above ground level or that penetrate the OLS to the Aeronautical Information Service provider, Airservices Australia by emailing <VOD@airservicesaustralia.com> or telephoning 02 6268 5622.

5. On completion of construction of the building, the Proponent **must provide** the airfield design manager with a written report from a certified surveyor on the finished height of the building.

Breaches of approval conditions are subject to significant penalties under Sections 185 and 187 of the Act.

Yours sincerely

A handwritten signature in cursive script that reads "Karryne Johnson".

Karryne Johnson
Acting Director, Aviation Safeguarding
Aviation and Airports Division

23 December 2020